

ORDINANCE NO. 801

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LYNDON, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2014; AND REPEALING ORDINANCE NUMBER 797, CRIMINAL CODE OF THE CITY OF LYNDON.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LYNDON:

SECTION I. INCORPORATING UNIFORM PUBLIC OFFENSE CODE.

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Lyndon, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2014, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 801," and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

SECTION II. Section 13 of said "Uniform Public Offense Code" is hereby supplemented by adding the following sections:

13.31 DRUGS, MARIJUANA.

(a) It shall be unlawful for any person to manufacture, possess, have under his control, prescribe, administer, deliver, distribute, dispense, compound, sell or offer for sale any depressant, stimulant or hallucinogenic drug in violation of the Kansas Controlled Substances Act.

((b) It shall be unlawful for any person to have in their possession any marijuana in violation of the Kansas Controlled Substance Act.

Violation of this section is a Class A violation.

13.31a POSSESSION OF DRUG PARAPHERNALIA

(a) "Drug Paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Kansas Uniform Controlled Substances Act. "Drug paraphernalia" shall include, but is not limited to:

- (1) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant which is controlled substance or from which a controlled substance can be derived.
- (2) Kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
- (3) Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance.
- (4) Testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- (5) Scales and balances used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, which are used or intended for use in cutting controlled substances.
- (7) Separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marijuana.
- (8) Blenders, bowls, containers, spoons and mixing devices used or intended for use in packaging small quantities of controlled substances.
- (9) Capsules, balloons, envelopes, plastic baggies and other containers used or intended for use in packaging small quantities of controlled substances.
- (10) Containers and other objects used or intended for use in storing or concealing controlled substances.
- (11) Hypodermic syringes, needles and other objects used or intended for use in injecting controlled substances into the human body.
- (12) Objects used or intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as;

- (A) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish or punctured metal bowls;
- (B) Water pipes;
- (C) Carburetion tubes and devices;
- (D) Smoking and carburetion masks;
- (E) Roach clips (objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand);
- (F) Miniature cocaine spoons and cocaine vials;
- (G) Chamber pipes;
- (H) Carburetor pipes;
- (I) Electric pipes;
- (J) Air-driver pipes;
- (K) Chillums;
- (L) Bongs; and
- (M) Ice pipes or chillers;
- (N) Rolling papers.

(b) "Person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or other legal entity.

(c) "Simulated controlled substance" means any product which identifies itself by a common name or slang term associates with a controlled substance and which indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

A violation of this section is a Class A violation (K.S.A. 65-4150, et seq.)

SECTION II. REPEAL.

Ordinance number 797 and all other ordinances in conflict herewith are hereby repealed.

SECTION III. EFFECTIVE DATE.

This ordinance shall take effect and be in force from and after its publication in the Osage County Herald-Chronicle.

PASSED AND APPROVED by the Council this 15th day of September, 2014.


BRANDON SMITH, Mayor

(SEAL)

Attest:


Julie Stutzman, City Clerk

STATE OF KANSAS, COUNTY OF OSAGE, SS:

I, the undersigned, hereby certify that I am the duly appointed and acting City Clerk of the City of Lyndon, Kansas; that the above Ordinance was passed by the council and approved by the Mayor on the 15th day of September, 2014, and it was published on the 25th day of September, 2014, and that the record of the final vote of passage is shown in the minutes of the proceedings of the Governing Body.




Julie Stutzman, City Clerk